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## SH2257614

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## SH2257614

# Los Angeles County Sheriff's Department

# Officer Involved Shooting



| Report Date: | Bureau/Station/Facility: | Admin. Invest.? | Hit? |
|---|---|---|---|
| 12/30/2009 | Century Station | ☐ | ☒ |

## Incident Information

| URN: 009-24193-2199-055 | Date: 12/16/2009 | Time: 0054 Hours |
|---|---|---|

City or Station: Century Station

Location: Wilmington Avenue/ Santa Ana Boulevard

Nature of Incident: Deputies [redacted]nd Lindsey were on routine patrol when their attention was drawn to the suspect who was on foot. The suspect moved hi hands to his waistband and refused to show his hands. The suspect ran and turned and fired two rounds from a handgun at the deputies. Deputy [redacted] in fear for his life returned fire from his duty weapon. The suspect fired two additional rounds and Deputy [redacted] again returned fire. The suspect fled into his residence where he was later arrested. The suspect received a gunshot wound to his right thigh. No deputies were injured.

Location Type (*circle one or more*):
- Backyard
- Beach
- Business
- Freeway
- Industrial
- Park
- Parking Lot
- Residence
- Rural
- School
- **Street**
- Other: ____________

Lighting (*circle only one*):
- **Darkness**
- Daylight
- Other
- Street Lights

Weather (*circle only one*):
- **Clear**
- Cloudy
- Fog
- Rain

Distance:

Incident Type (*circle one or more*):
- Accidental
- **Armed Person**
- Fleeing Suspect
- Foot Pursuit
- Gun Take Away
- Moving Vehicle
- Sniper/Ambush
- Startle
- Struggle Involved
- Traffic Stop
- Unarmed Person
- Unintentional
- Vehicle Pursuit
- Warrant Service
- Warning Shot
- Other: ____________

Initiated by (*circle only one*):
- Arrest Warrant
- Call
- Observation
- One Person Unit
- Other
- Search Warrant
- **Two Person Unit**

Prior Activity (*circle only one*):
- Detective
- Inmate Transport
- Other
- **Routine Patrol**

| Total # of Shots Fired by Deputy | Total # of Shots Fired by Suspect | Aero Unit? | Canine Unit? |
|---|---|---|---|
| 14-15 | 3-6 | ☒ | ☒ |

## Employee Witnesses

| Employee # | Last Name | First Name | M.I. | ShiftTime (*circle only one*) | ShiftType (*circle only one*) |
|---|---|---|---|---|---|
| [redacted] | Lindsey | Robert | | **EM** PM Day | **Regular** Overtime Off Duty |
| | | | | EM PM Day | Regular Overtime Off Duty |
| | | | | EM PM Day | Regular Overtime Off Duty |

## Non Employee Witnesses

| Last Name | | First Name | | M.I. |
|---|---|---|---|---|
| **Street Address** | **City** | **Zip Code** | **Work Ph** | **Home Ph** |
| Last Name | | First Name | | M.I. |
| Street Address | City | Zip Code | Work Ph | Home Ph |
| Last Name | | First Name | | M.I. |
| Street Address | City | Zip Code | Work Ph | Home Ph |

## Supervisors

| Employee # | Last Name | First Name | M.I. | (*circle one or more*) |
|---|---|---|---|---|
| [redacted] | Siroonian | Jeffrey | J | **On Duty**; Present during shooting; Witness to shooting; Involved in shooting |
| | | | | On Duty; Present during shooting; Witness to shooting; Involved in shooting |

## Watch Sergeant

| Employee # | Last Name | First Name | M.I. |
|---|---|---|---|
| [redacted] | Trejo | Luis | |

## Watch Commander

| Employee # | Last Name | First Name | M.I. |
|---|---|---|---|
| [redacted] | Corina | John | |

PSTD Use Only

SH # ____________

## Rollout Information

| Arrival Date | Arrival Time | Date Submitted | Date of Recommendation |
|---|---|---|---|
| 12-16-09 | 0330 Hours | 12-16-09 | |

| Employee # | Last Name | First Name | M.I |
|---|---|---|---|
| [redacted] | Brickert | Scott | J. |
| [redacted] | Haynes | Laura | |
| [redacted] | Hill | Scott | |

## Shooting / Force Information

### Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

### Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

### Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

### Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-inmate)
(ZZ) Other Brand

### Caliber

( 9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

## FORCE APPLIED *(one code per block)*

| Used By (E# or S#) | Used Against (E# or S#) | Method (Code) | Brand (Code) | Caliber (Code) | Authorized Weapon? (Y/N) | Authorized Ammunition? (Y/N) | Type of Injury (Code) | Body Part (Code) |
|---|---|---|---|---|---|---|---|---|
| S 1 | E 1 | FH | | | | | NN | |
| E1 | S1 | FH | BR | 9 | Y | Y | NN | |
| S1 | E1 | FH | | | | | NN | |
| E1 | S1 | FH | BR | 9 | Y | Y | GS | |
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# Officer Involved Shooting
# Involved Employee Information

URN: 009-24193-2199-055



## Involved Employee

**E 1**

| | | | |
|---|---|---|---|
| Employee # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted] |
| Sex: [redacted] Race: [redacted] | Rank [redacted] | Unit Assignment: [redacted] | Work Assignment (Unit #, Module, etc.): [redacted] |
| ShiftTime (*circle only one*): [redacted] | ShiftType (*circle only one*): (Regular) Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used: N/A |
| Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # Interviewed? ☐ |
| Hrs of sleep prior to shooting: 8 | Duty Time (hrs): [redacted] | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest) | Other Factors: |
| Age: [redacted] | Height: [redacted] | | |
| Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted] | |
| Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted] |
| Weapons Fired Brand: Beretta | Caliber 9 mm | # Shots 14-15 | Weapons Fired Brand: Caliber # Shots |
| Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted] |
| Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted] |

**E __**

| | | | |
|---|---|---|---|
| Employee # | Last Name | First Name | M.I. |
| Sex: Race: | Rank | Unit Assignment: | Work Assignment (Unit #, Module, etc.): |
| ShiftTime (*circle only one*): EM PM Day | ShiftType (*circle only one*): Regular Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used: |
| Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # Interviewed? ☐ |
| Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest | Other Factors: |
| Age: | Height: | Weight: | |
| Range Qualification Date: | PPC Qualification Date: | Laser Training Date: | |
| Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐ |
| Weapons Fired Brand: | Caliber | # Shots | Weapons Fired Brand: Caliber # Shots |
| Field Training Officer Emp # | Last Name | First Name | M.I. |
| Field Training Officer Emp # | Last Name | First Name | M.I. |

**E __**

| | | | |
|---|---|---|---|
| Employee # | Last Name | First Name | M.I. |
| Sex: Race: | Rank | Unit Assignment: | Work Assignment (Unit #, Module, etc.): |
| ShiftTime (*circle only one*): EM PM Day | ShiftType (*circle only one*): Regular Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used: |
| Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # Interviewed? ☐ |
| Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest | Other Factors: |
| Age: | Height: | Weight: | |
| Range Qualification Date: | PPC Qualification Date: | Laser Training Date: | |
| Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐ |
| Weapons Fired Brand: | Caliber | # Shots | Weapons Fired Brand: Caliber # Shots |
| Field Training Officer Emp # | Last Name | First Name | M.I. |
| Field Training Officer Emp # | Last Name | First Name | M.I. |

# Officer Involved Shooting Suspect Information

URN: 009-24193-2199-055



## Suspect Information

**S 1**

| | | |
|---|---|---|
| Last Name: Fuentes | First Name: Bernardo | M.I. |
| AKA Last Name | First Name | M.I. |

| | | | |
|---|---|---|---|
| Sex: M Race: H | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted] |
| Work Phone: | Home Phone: | Social Security #: | Driver's License #: |
| Age: 23 D.O.B. 11-17-86 | Height: 506 Weight: 160 | FBI # [redacted] | CII # [redacted] |
| Booking # 2163937 | Primary Charge: A/187(a) P.C. | Secondary Charge: | |
| Coroner Case? ☐ | Coroner Case # | Intoxication/Drug Usage? ☐ | Substance Used: |
| Armed? ☒ | Apprehended? ☒ | Mental Illness? ☐ | Criminal History? [redacted] |
| Vehicle Make | | Model: | Year: |

**S__**

| | | |
|---|---|---|
| Last Name | First Name | M.I. |
| AKA Last Name | First Name | M.I. |

| | | | |
|---|---|---|---|
| Sex: Race: | Street Address: | City | State & Zip Code: |
| Work Phone: | Home Phone: | Social Security #: | Driver's License #: |
| Age: D.O.B. | Height: Weight: | FBI # | CII # |
| Booking # | Primary Charge: | Secondary Charge: | |
| Coroner Case? ☐ | Coroner Case # | Intoxication/Drug Usage? ☐ | Substance Used: |
| Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐ |
| Vehicle Make | | Model: | Year: |

**S__**

| | | |
|---|---|---|
| Last Name | First Name | M.I. |
| AKA Last Name | First Name | M.I. |

| | | | |
|---|---|---|---|
| Sex: Race: | Street Address: | City | State & Zip Code: |
| Work Phone: | Home Phone: | Social Security #: | Driver's License #: |
| Age: D.O.B. | Height: Weight: | FBI # | CII # |
| Booking # | Primary Charge: | Secondary Charge: | |
| Coroner Case? ☐ | Coroner Case # | Intoxication/Drug Usage? ☐ | Substance Used: |
| Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐ |
| Vehicle Make | | Model: | Year: |

**S__**

| | | |
|---|---|---|
| Last Name | First Name | M.I. |
| AKA Last Name | First Name | M.I. |

| | | | |
|---|---|---|---|
| Sex: Race: | Street Address: | City | State & Zip Code: |
| Work Phone: | Home Phone: | Social Security #: | Driver's License #: |
| Age: D.O.B. | Height: Weight: | FBI # | CII # |
| Booking # | Primary Charge: | Secondary Charge: | |
| Coroner Case? ☐ | Coroner Case # | Intoxication/Drug Usage? ☐ | Substance Used: |
| Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐ |
| Vehicle Make | | Model: | Year: |

# COUNTY OF LOS ANGELES
# SHERIFF'S DEPARTMENT

# SIGNIFICANT FORCE INCIDENT EVALUATION

**UNIT:** Century Station
**DATE:** December 16, 2009 (Wednesday)
**TIME:** 0054 Hours
**LOCATION:** Santa Ana Boulevard / Wilmington Avenue, Los Angeles
**URN#:** **009-24193-2199-055**
**IAB#:** **SH2257614**

**NATURE OF**
**INCIDENT:** On December 16, 2009, Deputies [redacted] and Robert Lindsey were patrolling north on Wilmington Avenue, just south of Santa Ana Boulevard. Their attention was drawn to the suspect who was walking north on the west sidewalk of Wilmington, just north of Santa Ana. The suspect clutched his waistband, as he walked, and it appeared to them he was attempting to conceal something. Believing the suspect was attempting to conceal a weapon, they attempted to contact him and investigate. As they contacted the suspect, he immediately ran from them and removed a handgun from his waistband as he fled. Deputy [redacted] chased him on foot, while Deputy Lindsey followed them in their radio car. During this event, Deputy [redacted] became involved in a running gun battle, as the suspect fired at the pursuing deputies. The suspect, who was apparently injured during the gun fight, fled into a residence and was later captured without incident by assisting deputies from the LASD Special Enforcement Bureau. Deputy [redacted] and Lindsey were not injured during this incident.

The suspect (Bernardo Fuentes) received a through and through gunshot wound to his upper right thigh.

## INVOLVED PERSONNEL:


[redacted] - [redacted], Employee #[redacted]
[redacted]

**EMPLOYEE'S WORK HISTORY:**

Date of Employment: [redacted]
Date Assigned to Century [redacted]
Prior Shooting Incident(s): [redacted]
Prior Founded Force Incidents: [redacted]

## INVOLVED SUSPECT:

**Fuentes, Bernardo**
MH/ 11-17-1986
[redacted]
Main # [redacted]
CII # [redacted]
FBI # [redacted]

**Involved Suspect Criminal History:**

[redacted] **(See printout in Miscellaneous Documents section)**

## INVOLVED DEPUTY WITNESSES:

**Lindsey, Robert #**[redacted]
Century Station
Unit # 214H
Field Operations Region II

## NON-DEPARTMENT WITNESSES:

**W#1** [redacted] FH/A

**W#2** [redacted] MB/A

## INVOLVED EMPLOYEE STATEMENTS:

***Deputy*** [redacted] was interviewed on April 8, 2010 by Sergeants Albert Maldonado and Scott Hill. The interview was conducted at the Internal Affairs Bureau office in the City of Commerce. The following is a summary of the interview, which was digitally recorded and transcribed.

Deputy [redacted] said when they first saw the suspect, the suspect was reaching toward his waistband. His first thought was the suspect was possibly armed. He did not see a weapon as the suspect walked away from them, north on Wilmington Avenue. He said both he and Deputy Lindsey communicated with each other that the suspect might be armed.

Deputy [redacted] said he drove their vehicle toward the suspect. They stopped adjacent to the curb on the northwest corner of Wilmington Avenue and Santa Ana Boulevard. He said he stopped the vehicle approximately two feet from the curb and five to eight feet from the suspect. As he stopped the vehicle, he immediately exited with his handgun drawn. As he exited the vehicle, the suspect turned toward them, and while reaching for his waistband, turned to his left and ran south on Wilmington Avenue, then west on Santa Ana Boulevard. Deputy [redacted] ordered him to stop running and immediately chased him. As the suspect ran west on Santa Ana Boulevard, he [redacted] saw the suspect was carrying a handgun in his right hand. He was approximately 15 feet behind him, when the suspect turned to his right. As he continued to run, he pointed the gun at him [redacted]. Deputy [redacted] said he reacted by ordering him to drop the gun. When the suspect did not drop the gun, he [redacted] immediately fired several rounds at the suspect. The suspect responded by firing two to three rounds at him, as he continued to run. Deputy [redacted] said as he fired, he saw a silver vehicle parked in the street. He ran at a full sprint toward the vehicle, as he fired, so he could use the vehicle for cover. He said he doesn't know how many rounds he fired, but he kept firing, until he got behind the silver vehicle. He added his backdrop was the empty street, as there were no pedestrians or traffic.

**I.A.B. Note: Deputy [redacted] said he ran in the street as he chased the suspect who was running on the sidewalk. He said he ran on the street because the angle would make it more difficult for the suspect to turn all the way to his right, while running, and point the gun at him.**

Deputy [redacted] said the suspect ran into an open gate, stopped and faced him then fired one or two more rounds at him. He then ran into the yard area behind the gate. Deputy [redacted] said he remained behind the silver vehicle, but could no longer see the suspect.

Deputy [redacted] said he realized his weapon was out of rounds and he immediately re-loaded. He began to broadcast he was involved in a shooting and coordinating

assisting units. He said Deputy Lindsey drove up beside him in their vehicle, asked where he should go, then moved the vehicle into a position in front of where the suspect was last seen. Deputy Lindsey exited the vehicle and made his way back to his position. They discussed briefly that Deputy Lindsey would go back to the corner in case the suspect made his way to the street north of their location, then east. They maintained their positions as they awaited the arrival of assisting units.

**Deputy Robert Lindsey**, was interviewed on April 8, 2010 by Sergeants Albert Maldonado and Scott Hill. The interview was conducted at the Internal Affairs Bureau office in the City of Commerce. The following is a summary of the interview, which was digitally recorded and transcribed.

Deputy Lindsey (passenger) said when he and Deputy [redacted] first saw the suspect, it appeared to him he was clutching something in his waistband. He said they were approximately one city block (approximately 50 yards) behind the suspect and described his actions as walking north on Wilmington Avenue, with his back to them. As he walked, he clutched something in his waistband and appeared as if he was trying to conceal it. He and Deputy [redacted] communicated what they saw and decided to contact the suspect to investigate.

Deputy Lindsey said he and Deputy [redacted] briefly communicated with each other that they would approach from the rear and Deputy [redacted] would contact him first. When they stopped their vehicle, they positioned the car parallel to the curb and immediately exited. He said Deputy [redacted] gave the suspect a verbal command to stop and face them. The suspect, who was approximately 12 to 15 feet away from them, initially turned to his right, faced them, then ran south on Wilmington Avenue to east Santa Ana Boulevard. Deputy Lindsey said the suspect was still clutching his waistband when he faced them and he did not see a weapon. It wasn't until the suspect was running south that he saw him running with a handgun in his right hand. He described the suspect as turning to his right and running sideways with the gun pointed in their direction.

Deputy Lindsey told Deputy [redacted] he would get in the car and follow them as Deputy [redacted] began to chase the suspect on foot. Deputy Lindsey said he got into the front driver's side of the vehicle, backed up and drove west onto Santa Ana Boulevard. He said at no time was Deputy [redacted] out of his field of vision. As he was backing his vehicle, he heard 7 to 8 gunshots. He only saw muzzle flashes coming from Deputy [redacted] gun. He said Deputy [redacted] fired from the street toward the suspect, who was on the north sidewalk.

Deputy Lindsey said he saw the suspect run through an open gate and into a residence. He moved his vehicle along side Deputy [redacted] who had taken cover behind a silver vehicle parked along the north curb. He asked Deputy [redacted] if he was OK. When it appeared Deputy [redacted] was not injured, he moved the vehicle closer to

the residence he saw the suspect enter. He said he parked at an angle, so the vehicle would allow for maximum cover. Once the vehicle was parked, he tactically made his way back to Deputy [redacted] position behind the silver vehicle, where he [redacted] was broadcasting he was involved in a shooting. Once he reached Deputy [redacted] position, he communicated with him he would move to Wilmington Avenue, so he could see in case the suspect fled east on the street north of their location. He maintained this position as they awaited the arrival of assisting units.

**SUSPECT'S STATEMENTS:**

Refer to the transcripts of the Homicide Bureau interviews conducted by Investigators William Marsh and Teri Bernstein on 12-16-09 **(Exhibit B).**

**NON-DEPARTMENT WITNESS STATEMENTS:**

Refer to the transcripts of the Homicide Bureau interviews of Witness's [redacted] and [redacted] **(Exhibit B).**

**SUSPECT'S INJURIES:**

Gun shot wound to the upper right thigh.

**DEPUTY PERSONNEL INJURIES:**

None

**PHYSICAL EVIDENCE:**

See homicide case book **(Exhibit A).**

**INVESTIGATOR'S OBSERVATIONS:**

No observations.

**WEAPONS USED BY DEPUTY PERSONNEL:**

Beretta 9mm

**WEAPON USED BY SUSPECT:**

38 Caliber "Smith and Wesson," Model 10 revolver, black steel with a 4 inch barrel. The cylinder was loaded with 4 expended cartridge cases. The additional two cylinders were empty.

**PROPERTY DAMAGE:**

None

**CRIMINAL INVESTIGATOR and CHARGES FILED:**

**Investigator:** Detective Wiliam Marsh #[redacted]
Detective Teri Bernstein #[redacted]

**Charges Filed:** (2) Counts of Attempted Murder of a Peace Officer and (2) Counts of Assault with a Firearm Upon a Peace Officer. Also, one count of Possession of a Firearm By a Felon.

**WEATHER CONDITIONS AND LIGHTING CONDITIONS:**

The incident occurred during the hours of darkness. The area where the incident occurred was illuminated by streetlights.

**INTERNAL AFFAIRS BUREAU** **SH 2257614**
**INVESTIGATIVE SUMMARY - ADDENDUM**

**Subject:** **Lindsey, Robert, Deputy, #[redacted]**

**Date:** **December, 16, 2009, 0054 hours (Wednesday)**

**Location:** **Santa Ana Boulevard West of Wilmington Avenue, Los Angeles, CA**

On January 27, 2011, a request for additional information was made, because there was a question by the Executive Force Review Committee regarding whether or not Deputy Lindsey had ample opportunity to put out a radio broadcast indicating his partner (Deputy [redacted] was involved in a foot pursuit and subsequently involved in an officer involved shooting. It was determined that Deputy Robert Lindsey needed to be re-interviewed so that a fully informed decision regarding potential discipline could be made. The interview was conducted on March 1, 2011 by Sergeants Albert Maldonado and Scott Hill of the Internal Affairs Bureau. The interview was conducted at the Internal Affairs Bureau office in the City of Commerce.

**I.A.B. Note: The interview was digitally recorded and transcribed. Transcription copies of the interview have been included with this addendum. (Exhibit B).**

## SUBJECT

**Deputy Robert Lindsey, #**[redacted] was interviewed on March 1, 2011. Deputy Lindsey said he did not put out a radio broadcast because he did not have an opportunity to do so. He said his concerns were his safety as well as his partner's safety. He was attempting to gain cover as he entered the driver's seat of the vehicle, while simultaneously maintaining a visual on both his partner and the suspect. As he entered his vehicle, he put the car in reverse, backed into the intersection at a high rate of speed and then put the car into drive. Upon driving forward he saw his partner, who was involved in a running gun battle, attempting to get cover behind a parked vehicle. He watched, while driving, as the suspect ran northbound into a yard and out of view. He immediately checked on the welfare of his partner, who by this time had moved into a position of cover behind the parked vehicle, and then continued forward where he stopped and parked his vehicle to provide more cover for the both of them. It was at this time he heard his partner broadcasting he was involved in a deputy involved shooting.

Deputy Lindsey estimated, once the suspect and Deputy [redacted] began running southbound, it took him approximately three seconds to make his way around their vehicle and move into the driver's seat. Once he put the car into reverse it took an additional two to three more seconds to drive into the intersection where he first saw Deputy [redacted] was involved in a gun battle. He put the car into drive and although he did not know his speed,

he pressed the gas pedal hard enough and he was moving fast enough that it caused his tires to screech. He moved parallel to Deputy [redacted] to check on his welfare. Once he was assured Deputy [redacted] was not injured, he moved their vehicle closer to where he saw the suspect run. As he parked the vehicle he could hear Deputy [redacted] was already putting out a broadcast. He estimates the entire incident, from the time Deputy [redacted] went into foot pursuit to the time he heard Deputy [redacted] broadcasting he was involved in a shooting, occurred over a 10 to 12 second time period.

**EXHIBITS**

**E** Transcript of Deputy Lindsey's Interview

**F** Administrative Rights / Force / Shooting Review Form